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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/922,462	09/03/1997	JAMES R. DEFRANCESCO	CMSI-0003	1577

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03/19/2003

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EXAMINER

NGUYEN, NGA B

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 03/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/922,462

Applicant(s)

DeFrancesco et al.

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 26, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17, 20-22, and 39-61 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17, 20-22, and 39-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on December 26, 2002, which paper has been placed of record in the file.
2. Claims 17, 20-22, and 39-61 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 17, 20-22, and 39-61 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17, 20-22, and 39-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykstra et al (hereinafter Dykstra), U.S. Patent No. 5,611,052 in view of Branch Banking & Trust Corp. (hereinafter BB&T), "Automated review system drives BB&T's subprime loan business".

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Regarding claim 17, Dykstra discloses a computer implement method of managing a credit application, the method comprising the steps of:

receiving credit application data from the remote application entry and display device (column 4, lines 12-35);

obtaining credit report data from at least one remote credit bureau terminal device (column 4, lines 41-65);

selectively forwarding the credit application data and the credit report data to a first remote funding source terminal device (figure 2A, step 120); and

forwarding funding decision data from at least one of the first and second remote funding source terminal device to remote application entry and display device (figure 2A, step 122).

Dykstra does not teach: facilitating the first remote funding source terminal device to selectively forward the credit application to a second remote funding source terminal device if the funding source associated with the first remote funding source terminal declines to approve the credit application. However, BB&T teaches the facilitating the first remote funding source terminal device to selectively forward the credit application to a second remote funding source terminal device if the funding source associated with the first remote funding source terminal declines to approve the credit application (page 1, lines 40-50). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Dykstra's include that feature as taught by BB&T above for the purpose of allow the borrower

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with a high credit risk can obtain a loan from the second lender, when the first lender does not approve loan to the borrower.

Regarding claim 20, Dykstra discloses a computer implemented method of managing a credit application, the method comprising the steps of:

receiving credit application data from a consumer (column 4, lines 12-35) ;

obtaining credit report data from at least one remote credit bureau terminal device (column 4, lines 41-65) ;

selectively forwarding the credit application data and the credit report data to a first remote funding source terminal device (figure 2A, step 120). ; and

forwarding funding decision data from the at least one of the first and second remote funding source terminal device to the consumer (figure 2A, step 122).

Dykstra neither teaches the system processes credit applications for a dealer having a web site nor the step of: the first remote funding source terminal device selectively forwards the credit application and the credit report data to a second remote funding source terminal device if the funding source associated with the first remote funding source terminal declines to approve the credit application. However, processing credit applications for a dealer having a web site is well-known in the art. Today, there are many web sites allow the borrower to apply for a loan over the Internet. Therefore, it would have been obvious to modify Dykstra's include the feature above for the purpose of time consuming, because the borrower can stay home and access the dealer web site over the Internet to apply for a loan, instead of going to the dealer physical

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location. Moreover, BB&T teaches the facilitating the first remote funding source terminal device to selectively forward the credit application to a second remote funding source terminal device if the funding source associated with the first remote funding source terminal declines to approve the credit application (page 1, lines 40-50). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Dykstra's include that feature as taught by BB&T above for the purpose of allow the borrower with a high credit risk can obtain a loan from the second lender, when the first lender does not approve loan to the borrower.

Regarding claims 21-22, Dykstra discloses sending a copy of the funding decision data to the dealer directly by at least one of the following steps: faxing the funding decision data to the dealer; and providing the funding decision data to the dealer on-line (column 5, lines 3-5).

Regarding claim 39, Dykstra further teaches the remote application entry and display device includes a data entry terminal for manual entry of the credit application data (figure 1, item 26).

Regarding claim 40, Dykstra further discloses aggregating data from each or the plurality of dealerships; and providing the dealer with a consolidated report using the aggregated data (see figure 1, item 26 and column 4, lines 12-40).

Claims 41, 42 contain similar limitations found in claims 39, 40 discussed above, therefore, are rejected by the same rationale.

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Regarding claim 43, Dykstra discloses a credit application and routing system comprising:

a processor is located at a lender (figure 1, item 26); and

at least one data input terminal for selectively receiving credit application data from applicants at remote location and forwarding the data to the processor over a communication medium, wherein processor executes a program the performs method steps for handling the credit application (column 4, lines 18-46), the method steps including:

receiving the credit application to allow either manual decision of the credit application nor manual entry of the credit application into an in-house credit processing system (column 4, lines 18-46).

Dykstra does not teach: the first remote funding source terminal device selectively forwards the credit application and the credit report data to a second remote funding source terminal device if the funding source associated with the first remote funding source terminal declines to approve the credit application. However, BB&T teaches: the first remote funding source terminal device selectively forwards the credit application and the credit report data to a second remote funding source terminal device if the funding source associated with the first remote funding source terminal declines to approve the credit application (page 1, lines 40-50). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Dykstra's include that feature as taught by BB&T above for the

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purpose of allow the borrower with a high credit risk can obtain a loan from the second lender, when the first lender does not approve loan to the borrower.

Regarding claim 44, Dykstra further discloses the specific details include whether the lender has a relationship with the dealer (column 4, lines 26-28).

Regarding claims 45, 46, BB&T does not disclose forwarding funding decision data from the second remote funding source terminal device to the first remote funding source terminal device and allowing the first remote funding source terminal device access to the funding decision data from the second remote funding source terminal device. However, forwarding data from one entity to another and allow an entity to access to data are well-known in the art. Therefore, it would have been obvious to include the feature above with BB&T's for the purpose of providing loan decision data to the first lender.

Regarding claims 47-51, Dykstra further discloses the method of managing a credit application is accomplish via telephone lines (column 3, lines 49-65). Dykstra does not teach method of managing a credit application is accomplish via the Internet, lease lined, local area network, wide are network. However, managing the credit application via Internet, lease lined, local area network, wide area network is well-known in the art. Therefore, it would have been obvious to combine the feature above with Dykstra's for the purpose of time consuming, because the borrower can apply a loan over the network instead of submitting paper application.

Claims 52-58 contain the same limitations found in claims 45-51 as discussed above, therefore, are rejected by the same rationale.

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Regarding claim 59, Dykstra discloses a computer implemented method of managing a credit application, the method comprising the steps of:

receiving credit application data from the remote application entry and display device (column 4, lines 12-35);

obtaining credit report data from at least one remote credit bureau terminal device (column 4, lines 41-65);

allowing a first remote funding source terminal device access to the credit application (column 4, lines 40-65); and

allowing the remote application entry and display device access to funding decision data format least one of the first and second remote funding source terminal devices (figure 2A, step 122).

Dykstra does not teach: if the funding source associate with the first remote funding source terminal declines to approve the credit application and at the direction of the first remote funding source terminal, allowing a second remote funding source terminal access to the credit application data. However, BB&T teaches: if the funding source associate with the first remote funding source terminal declines to approve the credit application and at the direction of the first remote funding source terminal, allowing a second remote funding source terminal access to the credit application data. (page 1, lines 40-50). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Dykstra's include that feature as taught by BB&T above for the purpose of allow the borrower with a high credit risk

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can obtain a loan from the second lender, when the first lender does not approve loan to the borrower.

Claims 60, 61 contain the same limitations found in claims 46, 47 as discussed above, therefore, are rejected by the same rationale.

Conclusion

6. Claims 17, 20-22, and 39-61 are rejected.

7. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 8:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on (703)308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-1113.

9. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks

c/o Technology Center 3600

Washington, D.C. 20231

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or faxed to:

(703) 305-7687, (for formal communications intended for entry)

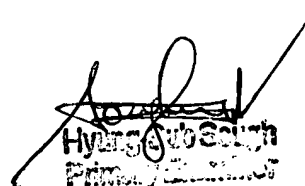
or:

(703) 308-3961 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen
March 7, 2003


Nga B. Nguyen
Primary Examiner